

## REMARKS

The specification has been amended. Claims 1-3 have been amended. Claims 4-13 have been cancelled without prejudice and claims 14-28 have been added.

Applicants' specification has been amended to correct a typographical error. Also, applicants' Abstract of the Disclosure has been amended to recite the features of applicants' amended independent claim 1.

The Examiner has rejected applicants' claim 11 under 35 USC 101 as being directed to non-statutory subject matter because claim 11 recites the function of the program as software, not any hardware. Applicants have cancelled claim 11, without prejudice, thereby obviating the Examiner's rejection.

The Examiner has also rejected applicants' claims 1-13 under 35 USC 102(a) as being anticipated by the Hirata, et al. (JP 2002-300150) reference. Applicants have cancelled applicants' claims 4-13, thereby obviating the Examiner's rejection with respect to these claims. Applicants have amended applicants' independent claim 1, and with respect to this claim, as amended, and its dependent claims, the Examiner's rejection is respectfully traversed. Moreover, applicants' newly added claims 14-28 patentably distinguish over the cited art of record.

Applicants' independent claim 1 has been amended to recite a digital signature generating apparatus that generates a digital signature of digital data, comprising a receiving unit that receives a first or second command, the first command including information indicating one of a plurality of secret keys, a secret key setting unit that sets a first secret key indicated by the first command as a second secret key, if the first command is received by the receiving unit, and a digital signature generating unit that generates the digital signature of the

digital data using the second secret key, if the second command is received by the receiving unit. Applicants' new independent claim 20 recites similar features.

The constructions recited in applicants' independent claims 1 and 20 are not taught or suggested by the cited art of record. In particular, there is no teaching or suggestion in the Hirata, et al. reference of a receiving unit that receives a first or second command, the first command including information indicating one of a plurality of secret keys, or of a secret key setting unit that sets a first secret key indicated in the first command as a second secret key, if the first command is received by the receiving unit. The Hirata, et al. reference discloses an IC card which stores thereon a first secret key (SK1) and a first public key (PK1) corresponding to the first secret key. Abstract; Paragraph [0005]. When the IC card in Hirata, et al. receives a key generation command, a key generation section (11) of the IC card generates a new secret key (SK2) and a new public key (PK2), and a signature generating section (13) of the card generates a new signature using the first secret key (SK1) stored in the card. Abstract; Paragraph [0008].

Hirata, et al., only teaches receiving a key generation command by the digital signature generation apparatus, i.e., IC card, and that when the key generation command is received by the digital signature generation apparatus, the apparatus generates a new secret key and a new public key. There is no mention in Hirata, et al. of the key generation command received by the digital signature generation apparatus including any information that indicates one of the plurality of secret keys, and thus there is also no mention in Hirata, et al. of a first secret key indicated by the first command. Moreover, the Hirata, et al. reference makes no mention of the digital signature generation apparatus setting the first secret key as a second secret key when the first command, i.e. key generation command, is received by the apparatus. Instead, in

Hirata, et al., when the digital signature generation apparatus receives the first command, the apparatus generates a new secret key.

Accordingly, applicants' amended independent claim 1 and new independent claim 20, each of which recites a receiving unit that receives a first or second command, the first command including information indicating one of a plurality of secret keys, and a secret key setting unit that sets a first secret key indicated by the first command as a second secret key, if the first command is received by the receiving unit, and their respective dependent claims, patentably distinguish over the Hirata, et al. reference.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9286.

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Respectfully submitted,



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